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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, बुधवार, 20 दिसम्बर, 1961/29 अग्रहायण, 1883

HIMACHAL PRADESH ADMINISTRATION

REVENUE DEPARTMENT

NOTIFICATION

Simla-4, the 4th December, 1961/13th Agrahayana, 1883

No. R. 22-919/57.—With reference to Revenue Department Notification of even number, dated the 29th December, 1959, and in exercise of the powers conferred by sections 39, 58 and 141 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (No. 15 of 1954), the Financial Commissioner, Himachal Pradesh, after having taken into consideration all objections and suggestions with regard to the draft rules under the said Act published under the Notification aforesaid, is pleased to make the following rules under the said Act:—

RULES

1. *Title and commencement.*—(1) These rules may be called the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Financial Commissioner's) Rules, 1959.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954);

(b) "Compensation Officer" means the person appointed as such by the State Government under sub-section (1) of section 9 of the Act;

(c) "Form" means a form appended to these rules; and

(d) "section" means a section of the Act.

3. *Mode of determination of value of crop or rent (See section 39 of the Act).*—(1) Subject to the proviso to sub-section (1) of section 39, for the purposes of determination of the value of crop or rent, "crop" means the average of three years' produce of the land but shall not include GHAS and BHUSA.

(2) When the rent in respect of any land forming the subject matter of an application under section 39 is payable, in kind, the Collector to whom such application is made shall, for the purposes of the said section, determine the cash equivalent of the crop and of the rent payable in kind at the market rate prevailing at the Tehsil Headquarters at the time of the harvest concerned.

4. *Application for ejectment of the tenant (See section 55 to 58 of the Act).*—(1) A landlord who has secured a decree for arrears of rent against a tenant shall, if he desires the tenant to be ejected, apply to the Revenue Officer having jurisdiction for ejectment of the tenant from his holding. The application shall be accompanied by a true copy of the entries in the last jamabandi relating to the Khata Khatauni in which the fields to which the application relates are included (together with a certified copy of the decree referred to in clause (a) of section 55 of the Act).

(2) Where, however, such copy would be irrelevant owing to changes in tenancy subsequent to the date of preparation of the Jamabandi, true copies of the entries in the last Khasra girdawari relating to the particular fields to which the application relates shall be substituted therefor.

(3) Copies filed under sub-rules (1) and (2) shall be certified as correct under his own signature by the Patwari or any other official acting under section 76 of the Indian Evidence Act (I of 1872) or section 154 (2) of the Himachal Pradesh Land Revenue Act, 1953.

(4) The notice of ejectment shall be issued in Form LR I appended to these rules.

(5) The procedure as set out in the Code of Civil Procedure and under Chapter I-G of the Punjab High Court Rules and Orders Volume I as applied to Himachal Pradesh for signing and verification of plaints, etc., shall be followed for signing and verification of the applications under this rule.

5. *Process of arrest not to be issued between certain dates (See clause (d) of section 141 of the Act).*—A Revenue Officer or Revenue Court shall not, except for reasons of urgency to be recorded in proceedings held under the Act issue any process of arrest against, a tenant or against landowner who cultivates his own land, between the first day of April and 31st day of May, nor between the 15th day of September, and 15th day of November.

6. *Language of Revenue Offices and Revenue Courts* (See clause (g) of section 141 of the Act).—The language of Revenue Offices and Courts shall be Hindi in Devnagri script, but the order and reasons for it may be written either in English or Hindi.

7. *Notice to make payment of Rent in kind at the threshing floor* (See clause (b) of section 141 of the Act).—As soon as the crop is ripe for threshing, a tenant paying rent in kind, shall give a reasonable written notice by registered post acknowledgment due in the prescribed form to his landlord to be present at the scene of threshing; Provided that if in spite of receipt of notice the landlord fails to be present at the threshing floor the tenant may commence, continue and complete the threshing process. Provided also that if the threshing operations be not commenced or completed at the contemplated time and place due to some reasons beyond the control of the tenant, the landlord shall not be entitled to any compensation whatsoever on that account. And after the threshing process is over, the rent will be paid in kind at the threshing floor.

FORM

Notice under section 28 (4) (b) read with section 141 (1) (b) of Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act (Act No. 15 of 1954)

From

.....Tenant.
(Full address).

To

.....Landlord.
(Full address).

(Tenancy to which this notice relates)

Field No(s)..... Village.....

Area..... Tehsil.....

District.....

Notice is hereby given that threshing of the crop produced in the land detailed above during Rabi/Kharif 196 all natural causes permitting shall commence on..... at..... at the threshing floor situate at....., you may like to be present at the scene of threshing operation, if so, please do. In case you fail to be present, the threshing operation shall commence continue and be concluded without further intimation to you. And after the threshing process is over, the rent will be paid in kind at the threshing floor.

Dated.....19Tenant.
(Signature)

FORM LR I (F.C.)

(See Rule 4)

Form of Notice of Ejectment

Notice issued by..... Assistant Collector of the.....district.

Notice of Ejectment issued pursuant to the provisions of sub-section (1) of section 57 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

Landlord on whose application.....
his notice is issued. (with father's name, caste and residence).

Tenant on whom this Notice.....
.....(with father's name, caste and residence).
is to be served.

Tenancy to which this notice relates. (Give for each field included to the tenancy its number, its area; also the total area of the tenancy and the village and Tehsil in which situate).

Whereas on the.....day of..... 19.....
in the Court of..... at..... a decree
for Rs..... and costs, above, described was passed in
favour of..... landlord, plaintiff against
..... tenant, defendant, and whereas a sum of Rs.....
is still due under this decree as set out in the account annexed.

This Notice of Ejectment is issued against.....the said
tenant, and he is hereby informed that, if he does not pay to this office the
said amount of Rs..... which is still due under the decree
within fifteen days from the date of receipt of this notice, he will be ejected
from the tenancy.

Dated at the Revenue Office of (seal and signature of the Revenue Officer),
this.....day of..... 19....

Account of sums due under the decree

(1) Amount or decree	Rs.
(2) Costs decree against the defendant	Rs.....
(3) Costs of execution to date	Rs.....
(4) Amount paid by defendant	Rs.....
(5) Balance now due	Rs.....

FORM LR II (F.C.)

(See Rule 5)

Form of Application for Ejectment under sections 56 and 57 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act

Before the Assistant Collector 1st Grade

AB (Landlords with father's name
and residence).

CD (Tenant with father's name
and residence).

.....Applicant

.....Opposite Party.

An application for ejectment from the land comprising in Khata/Khatauni
.....Khasra Nos..... as
entered in Jamabandi for the years..... Chak.....
Pargana..... Tehsil..... District.....

The application respectfully sheweth:—

1. That on the..... day of..... 19....
in the Court of..... at..... a decrees
for Rs..... and cost Rs.....on
account of an arrear of rent due in respect of the tenancy
above described was passed in favour of the said AB (Landlords)
plaintiff against CD (Tenants) defendant.
2. That a sum of Rs..... is still due under this
decree as set out in the account annexed, which has not been
paid by the CD (Tenant).
3. Copy of the excerpt from the Jamabandi and a copy of the decree
sheet is enclosed.
4. That it is respectfully, prayed that the CD (Tenants) may kindly
be ejected from the said tenancy.

Date.....

Signature of applicant.

Account of sums due under the decree

Amount of decree	Rs.
Costs decreed against defendants	Rs.
Cost of execution to date	Rs.
TOTAL	Rs.
Paid by defendant	Rs.
Balance now due	Rs.

O. N. MISRA,
Financial Commissioner.